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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,846	09/17/2003	Shuichi Takamiya	018995-739	2839
21839	7590	08/09/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			CHEA, THORL	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,846	<b>Applicant(s)</b> TAKAMIYA, SHUICHI	
	<b>Examiner</b> Thorl Chea	<b>Art Unit</b> 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09172003</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to the communication on May 17, 2005; claims 1-2, 4-14 are pending in this instant application; claim 3 has been canceled.
2. The rejections of claims 1, 3-14 as being anticipated by Oda set forth in the previous office action is withdrawn in view of the statement of the common ownership provided with the Declaration under 37 CFR 1.132 on May 17, 2005.
3. Applicant's arguments with respect to claims 1-2, 4-14 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of EP 1182512 (EP'512), EP1211065 (EP'065) and Publication Number 2000321788 (PN'788).

EP'512 discloses a development of light-exposed plate with an alkaline liquid developer comprising at least one selected from the group consisting of amphoteric surfactants and cationic surfactant. The alkaline developer can provide a highly sharp and clear image in a lithographic printing plate without damages the image area, and further inhibits occurrence of insoluble matter originated from a binder resin and/or an IR absorbing agent, as well as adherence of insoluble matter to the surface of a plate during processing, while retaining liquid

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conditions suitable for an alkaline liquid developer, and being capable of providing a stable processing procedure in an extended period. See abstract and the cationic surfactants including amine salts, quaternary ammonium salts, phosphonium salts and sulfonium salts and the like on pages 4, [0035] to 8, [0051]; the method of preparing the lithographic printing plate comprising a step of exposing a imagewise exposing to infrared region, and a presensitized plate for used in a lithographic printing plate including positive lithographic printing plate having at least one image forming layer comprises an IR absorbing agent on page 8, [0053] to [0055]; the alkali-soluble high molecular compound on page 10, [0088] to page 11, [0090] and the dye that absorb light ray within wavelength of from 700 nm to 1200 nm to generate heat on pages 14, [0110] to page 17, [00126].

EP'065 discloses in the abstract, a positive planographic printing plate precursor comprising at least two recoding layers containing water-insoluble and alkali-soluble resin and the infrared absorbent with a coating amount of an upper positive recording layer being in the range of 0.05 to 0.45 g/m<sup>2</sup>, and the dye which absorb light in the infrared region including cyanine dye on pages 11, [0048]. Publication Number 2000321788 (PN'788) discloses to incorporate the ethylene oxide adduct in alkaline development processing liquid to form highly sharp and bright image without giving defects to an image. The alkaline development processing liquid is an aqueous alkaline and consists of alkali silicate or non-reducing sugar and base. See PN'788 abstract and computer translated document on pages 4-5, formula (3) compound (A), (B), (I) to (VI). It would have been obvious to the worker of ordinary skill in the art at the time the invention was made to form the material taught in EP'512 more than one layer such as taught in EP'265 in combination with the incorporation of the ethylene oxide adduct in alkaline

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development processing liquid with an expectation of forming highly sharp and bright image without giving defects to an image.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (571) 272-1328. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tchea *ten*  
July 26, 2005

*Thorl Chea*  
Thorl Chea  
Primary Examiner  
Art Unit 1752